

THE HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

DETECTIVE SHARON KRAUSE and
SERGEANT MICHAEL DAVIDSON

Defendants.

NO. C11 5424 BHS

**DEFENDANTS' MOTION FOR
ORDER DIRECTING TRANSPORT
OF INMATE TO TESTIFY
AT TRIAL**

**NOTE ON MOTION CALENDAR:
Tuesday, December 24, 2013**

I. NATURE OF MOTION & RELIEF REQUESTED

Defendants Sharon Krause and Michael Davidson (hereafter "defendants") hereby move for an Order directing the Clark County Sheriff to transport Matthew Hansen, an inmate currently incarcerated in the Clark County Jail in Vancouver, Washington, to the U.S. District Court, Union Station Courthouse in Tacoma, Washington to testify at trial in the above-entitled action on January 14, 2014, or such other date as is necessitated by trial scheduling, such date to be provided to the Clark County Sheriff upon no less than 48 hours notice. The Order sought should further authorize the Pierce County Sheriff to accept Matthew Hansen for booking into the Pierce County Jail if requested by the Clark

**DEFENDANTS' MOTION FOR ORDER DIRECTING
TRANSPORT OF INMATE TO TESTIFY AT TRIAL - 1**
Cause No: C11-5424 BHS

*LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.*
ATTORNEYS AT LAW
2674 RW JOHNSON BLVD SW, TUMWATER, WA 98512
PO BOX 11880, OLYMPIA, WA 98508-1880
(360) 754-3480 FAX: (360) 357-3511

1 County Sheriff to accommodate an overnight stay in Pierce County following Matthew
 2 Hansen's testimony, after which the Pierce County Sheriff would release Matthew Hansen
 3 back into the custody of the Clark County Sheriff upon request for return transport to the
 4 Clark County Jail.

5 II. GROUNDS FOR MOTION

6 Defendants have served Matthew Hansen with a Subpoena to attend trial to provide
 7 testimony in the above-entitled action. Declaration of Guy Bogdanovich in Support of Motion
 8 for Order of Transport of Inmate to Testify at Trial (hereafter "Bogdanovich Dec.") ¶ 2 and Ex.

9 A. Trial is currently scheduled to commence on January 7, 2014, (Dkt. 161) and is expected to
 10 last approximately three weeks. Counsel for defendants have been notified and have confirmed
 11 with Clark County Sheriff's Office Chief Jail Deputy Ric Bishop that Matthew Hansen was
 12 booked into the Clark County Jail on December 5, 2013 for violation of court orders and
 13 community supervision on underlying domestic violence and criminal trespass offenses. He
 14 is currently scheduled to be released on March 1, 2014. Declaration of Ric Bishop in Support
 15 of Motion for Order of Transport of Inmate to Testify at Trial (hereafter "Bishop Dec."), ¶ 3.
 16 The Clark County Sheriff's Office has communicated with the U.S. Marshal's Service and with
 17 the Pierce County Sheriff's Office to facilitate the transport and continuous custody of Matthew
 18 Hansen as explained above, and all agencies are in agreement with this plan. *Id.*, ¶ 4. The U.S.
 19 Marshall's Service has agreed to provide the Clark County Sheriff with day use and detention
 20 space within the Union Station Courthouse as needed the day of Matthew Hansen's testimony,
 21 but Matthew Hansen will remain in the custody of the Clark County Sheriff at all times while
 22 in the Courthouse. *Id.*

Counsel for defendants have communicated with legal counsel for the Clark County Sheriff and for the Pierce County Sheriff, and both are in agreement with this proposal. Bogdanovich Dec., ¶ 3.

Clark County has agreed to pay all expenses incurred in connection with Matthew Hansen's transport to testify at trial. Bishop Dec., ¶ 5.

III. CONCLUSION

Based upon the foregoing, defendants request that this Court enter the proposed Order Directing Transport of Inmate to Testify at Trial.

DATED this 24th day of December, 2013.

/s/ Guy Bogdanovich

/s/ Jeffrey A. O. Freimund

Guy Bogdanovich, WSBA N^o 14777
Attorney for Defendant Sharon Krause
P.O. Box 11880
Olympia, WA 98508-1880
Telephone: (360) 754-3480
Fax: (360) 357-3511
email: gbogdanovich@lldkb.com

Jeffrey A. O. Freimund, WSBA No. 17384
Attorney for Defendant Michael Davidson
Freimund Jackson Tardif & Benedict Garratt
711 Capitol Way South, Suite 602
Olympia, WA 98502
Telephone: (360) 534-9960
Fax: (360) 534-9959
email: jeffF@fjtlaw.com

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that on this 22nd day of November, 2013, I electronically filed Defendants' Motion for Order Directing Transport of Inmate to Testify at Trial, the supporting Declaration of Guy Bogdanovich and Declaration of Ric Bishop, and a Proposed Order Granting said Motion, with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following parties:

Plaintiff Clyde Spencer and Matthew Spencer Attorneys

dhjohnson43@aol.com
kathleen.zellner@gmail.com
dandavies@dwt.com

DATED this 24th day of December, 2013 at Tumwater, Washington.

/s/ Lisa Gates